

BSA

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[2] Q. Between the time of your [3] discharge and the time you first saw [4] Dr. Strauch, did you see any other [5] doctors?

[6] A. No.

[7] Q. Did you have any contact with [8] Dr. Strauch?

[9] A. I don't recall.

[10] Q. Or anyone in his office?

[11] A. I do not recall.

[12] Q. When you saw Dr. Strauch -

[13] A. I do not recall, but I may have [14] called and complained.

[15] Yes, I did, and they told me I [16] should come on Wednesday.

[17] Q. So you were discharged on [18] Friday, and you were going to see [19] Dr. Strauch the following Wednesday?

[20] A. Yes.

[21] Q. Did anyone go with you to [22] Dr. Strauch's office on Wednesday?

[23] A. I would have been driven by [24] limo.

[25] Q. By who?

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[2] A. By a friend of mine.

[3] Q. Who is that?

[4] A. Same one, Simon. He didn't take [5] me, the driver took me.

[6] Q. What happened when you got to [7] Dr. Strauch's office?

[8] A. I showed him my hand and told [9] him about everything.

[10] Q. What did you tell him?

[11] A. About the shooting pain, about [12] the burning feeling, about the tingling, [13] about everything that I said to you up to [14] this moment.

[15] Q. And what did Dr. Strauch say to [16] you?

[17] A. It will take time, and this will [18] disappear. It will be okay.

[18] Q. Did he examine your hand at all, [20] or your arm?

[21] A. He just touched my fingers and [22] he saw they were still swollen.

[23] Q. How would you describe the [24] swelling of your fingers?

[25] A. Like a balloon.

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[2] Q. How large was the swelling?

[3] A. Filled out all of the space that [4] I was given inside of my cast.

[5] Q. How large was that?

[6] A. I don't know.

[7] Q. Would you say the fingers [8] increased 10 percent in size?

[9] A. The fingers were swollen almost [10] double, or 25 percent of the normal, or 10 [11] percent of the normal size; I cannot tell [12] you, but it was obvious from a distance, [13] the swelling.

[14] Q. Did you ask Dr. Strauch any [15] questions?

[16] A. I asked him why I have pain.

[17] Q. What did he say?

[18] A. He said to me that - I don't [19] know if it's this time or the other time, [20] that they had some problem at the time of [21] surgery.

[22] Q. Did he tell you what the problem [23] was?

[24] A. No.

[25] Q. Was anyone present for this

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[2] discussion with Dr. Strauch?

[3] A. No.

[4] Q. Was there any other discussion [5]

other than what you just told me about?

[6] A. I asked him for a medical [7] release from work.

[8] Q. You asked for what?

[9] A. Medical disability form.

[10] Q. A letter saying you can't go to [11] work?

[12] A. Yes.

[13] Q. Did he give it to you?

[14] A. No.

[15] Q. Did he say why not?

[16] A. He told me, "If your boss has a [17] problem, he can call me."

[18] Q. Was there any other discussion [19] with Dr. Strauch or anyone in his office [20] during this first post-operative visit?

[21] A. Not that I can recall.

[22] Q. Who was the next doctor that you [23] saw?

[24] A. Dr. Strauch.

[25] Q. When was that visit?

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[2] A. It was an emergency visit.

[3] Q. What do you mean by an emergency [4] visit?

[5] A. I called him on Monday morning.

[6] Q. This would be the Monday after [7] the Wednesday visit?

[8] A. I believe it's the 23rd, around [9] the 23rd of the month.

[10] Q. December 23rd?

[11] A. Yes. I believe so, I'm not [12] sure. But I believe it's the 23rd.

[13] Q. Okay.

[14] A. I called his office around 9:00.

[15] MR. DINHOFFER: In the morning?

[16] THE WITNESS: Yes, in the [17] morning.

[18] Q. What did you say to the office [19] when you called at 9:00 a.m.?

[20] A. I told them that I cannot [21] tolerate the pain any more.

[22] I cannot - I have a burning [23] feeling in my hand, and it's getting to [24] the point where I cannot even really sleep [25] at night, even with the medication that

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[2] I'm taking.

[3] Q. Who did you speak with at [4] Dr. Strauch's office?

[5] A. His secretary.

[6] Q. What did she say to you?

[7] A. She told me to hold for a [8] second, and she spoke with him, I think, [9] and he told me I should come immediately [10] to the hospital there, to his office.

[11] Q. What time did you go to see him?

[12] A. It was an hour or an hour and [13] fifteen minutes or an hour and twenty [14] minutes, I was there.

[15] Q. Prior to seeing Dr. Strauch in [16] the office, was there any other [17] conversation between you and anyone else [18] in the office?

[19] A. No, I hung up and I told my [20] friend to send his car to pick me up and [21] take me to the doctor.

[22] Q. What happened when you got to [23] Dr. Strauch's office?

[24] A. He opened the cast.

[25] Q. What else happened?

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[2] A. He told me I'm recovering very [3] nicely, and I have no problem.

[4] Q. And was there any other [5] discussion?

[6] A. Not that I recall. He told me [7] that he

was waiting for me and he had [8] other things to do, but he was concerned [9] and that is why he was waiting.

[10] Q. When he opened the cast, did [11] your symptoms change at all?

[12] A. No.

[13] Q. Did he prescribe any treatment?

[14] A. Yes, he put the cast back.

[15] Q. Anything else?

[16] A. No, he just told me, put the [17] cast back and everything looks okay.

[18] Q. Did you see your arm and your [19] hand when the cast was off?

[20] A. It was swollen.

[21] Q. You looked at it after he took [22] the cast off?

[23] A. After he took the cast off.

[24] Q. That's what I mean.

[25] A. Yes, my hand was very swollen.

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[2] Q. Starting from your elbow down to [3] your fingertips, what do you remember [4] seeing when the cast came off?

[5] A. I don't under the question.

[6] Q. Where did the cast go from and [7] to?

[8] A. From my shoulder to the [9] fingers.

[10] Q. Did Dr. Strauch take off the [11] whole cast?

[12] A. He just opened it, opened it [13] this way, and looked and put it back [14] immediately and tied it.

[15] Q. Did he actually take the cast [16] off your arm or just open it and look?

[17] A. I believe he took it - I [18] believe he took it off and looked at the [19] wound, and then he did put it back.

[20] Q. When he took the cast off your [21] arm, did you look at your arm?

[22] A. No, I did not look at my arm.

[23] I looked when it was put back, [24] when he was going to put it back, I looked [25] at this area.

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[2] Q. From the middle of your forearm [3] down to your fingers?

[4] A. Yes, and everything was swollen.

[5] Q. Other than the fact it was [6] swollen, do you remember noticing anything [7] else?

[8] A. I saw the area that was healthy.

[9] Q. Healthy?

[10] A. Meaning around the fingers.

[11] The surgery was not taking place [12] in this area, and I saw the swelling here.

[13] I did not see the area of the [14] surgery, so I cannot give you an [15] indication what was going on there.

[16] Q. So the palm side of your forearm [17] was swollen?

[18] A. Everything was swollen.

[19] Q. Did you notice anything about [20] your fingers other than the fact that they [21] were swollen?

[22] A. Fingers 4 and 5 was tingling and [23] loss of sensation.

[24] Q. Loss of sensation?

[25] A. Yes.

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[2] Q. Anything else?

[3] A. Those were the major things that [4] I remember.

[5] Q. Had your symptoms changed at all [6] as of the time of this emergency visit, [7] from the time you were discharged?

[8] A. Discharged?

[9] I was not in the hospital.

[10] Q. From the time you were [11] dis-

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[2] the back of my elbow when the nerve was [3] being transposed and moved to the front. [4] And he told me that the [5] transposition never took place. [6] Q. Did Dr. Strauch say why the [7] transposition didn't take place? [8] A. He said he had some difficulty [9] at the time of the surgery. [10] Q. Did he tell you what that [11] difficulty was? [12] A. He stopped there. [13] Q. What? [14] A. When I asked him what really [15] happened, I don't know why, he said to me, [16] it's not important, and he went to other [17] issues. [18] Q. What other issues did he go to? [19] A. How I'm doing on my job. [20] Q. How were you doing on your job? [21] A. Horrible. [22] Q. In what way? [23] A. Difficult to concentrate when [24] you have a lot of pain and you have to do [25] creative work.

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[2] Q. Anything else? [3] A. Functioning with my hand. I [4] couldn't function with my hand. [5] I could not operate with my [6] hand. [7] Q. That's your left hand? [8] A. Yes, my left hand, I cannot [9] operate with that. [10] Q. Did you mention anything else [11] about how you were doing at work? [12] A. This is my best recollection, is [13] what I told you. That's all I can [14] remember. [15] Q. After this discussion with [16] Dr. Strauch about the transposition, [17] what's the next thing you remember [18] happening? [19] A. I believe before December of [20] 1992 I told him that. [21] He said with time things will be [22] better. [23] And it's already almost a year [24] and things are the same. [25] How much longer do I have to

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[2] wait until things will be better, because [3] I'm very frustrated and I would like to [4] know what to do. [5] He told me that everything is in [6] my head and I have no problem. [7] At this time - [8] Q. Did he explain that to you? [9] A. Explain what, that everything is [10] in my head? [11] Q. Yes. [12] A. No, he did not explain, just [13] told me everything is in my head, and I [14] should just stop complaining. [15] He just caused me more [16] aggravation, mental anguish, I couldn't [17] sleep at night, and it drove me crazy. [18] At this time I took five weeks [19] off from work and hoped to find somebody [20] who will honestly tell me what is really [21] going on with my hand. [22] Q. Before we get to the five weeks [23] vacation, have you told me about every [24] single thing you recall of all of your [25] visits with Dr. Strauch?

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[2] A. One time I told him that I need [3] a letter from him to the army that - to [4] be discharged from the army because of my [5]

medical condition.

[6] Q. What did Dr. Strauch say? [7] A. He wrote me a letter. [8] Q. He wrote you a letter? [9] A. Yes. [10] Q. Anything else that you remember [11] about any of your visits with Dr. Strauch? [12] A. Not really, no. [13] I told you the things that I [14] remember. Anything else - [15] Q. No other discussions with [16] Dr. Strauch during any of your visits? [17] A. Maybe some discussion occurred, [18] but I don't remember. [19] Q. I'm only asking for what you [20] remember. [21] A. Okay. [22] Q. Any other discussion with any [23] members of Dr. Strauch's office other than [24] what you have told me about so far? [25] A. No; I was once or twice talking

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[2] with the secretary, about her son going to [3] college, that's it. [4] Q. Anything other than that? [5] A. No. [6] Q. During any of the visits that [7] you had with Dr. Strauch, was anyone [8] present for any discussions? [9] A. Yes. [10] Q. Who was present? [11] A. Dr. Engle. Joel Engle. [12] You are talking about until my [13] vacation or after? [14] Q. Up until your vacation. [15] A. No. Not that I recall. [16] Q. Up until your five weeks [17] vacation, have you told me about every [18] single thing that you remember about [19] Dr. Strauch's office visits? [20] A. That's correct. [21] Q. When was your five-week [22] vacation? [23] A. It started, I think - either it [24] was the last week of November or the first [25] week of December.

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[2] Q. What year? [3] A. Of 1992. [4] Q. What did you do during this [5] five-week period? [6] A. I went to Israel. [7] Q. Now, before you left for Israel, [8] have you told me about every single doctor [9] that you have seen up until that date? [10] A. I saw Dr. - I do not recall if [11] I saw him after going to Israel or before [12] going to Israel with Dr. Spinner, but it [13] was February, in February I saw him. [14] Q. February '92 or '93? [15] A. I do not recall. It may be '93, [16] but maybe '92. [17] I really do not recall. [18] No, it's impossible '92. It's [19] '93, sorry. [20] Q. Okay. [21] A. I saw, I believe, Dr. Goodrich. [22] Q. Who is Dr. Goodrich? [23] A. He is a neurologist at [24] Montefiore. [25] Q. And when did you see

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[2] Dr. Goodrich? [3] A. I believe July or August. [4] Between June and August of 1992. [5] Q. How many times did you see [6] Dr. Goodrich? [7] A. I saw him once and he told me [8] that

due to the fact that he was being [9] trained by Dr. Strauch, and he is a friend [10] and colleague, I should go back to [11] Dr. Strauch. [12] Q. Did you have any other [13] discussion with Dr. Goodrich? [14] A. He told me the possibility that [15] may occur. [16] He told me there is a [17] possibility that you got injured during [18] the surgery. [19] Q. Anything else? [20] A. He told me that he doesn't [21] believe why I was given this amount of [22] medication after surgery, as this [23] surgery - after this kind of surgery you [24] shouldn't have any pain. [25] He said to me that I should talk

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[2] with Dr. Strauch again and see what he can [3] do for me. [4] Q. After you spoke to Dr. Goodrich, [5] did you speak to Dr. Strauch about what [6] you had talked to him about? [7] A. Yes, I didn't tell him that I [8] saw Dr. Goodrich because he told me not to [9] say anything, just to go to him and talk [10] to him. [11] Q. What did Dr. Strauch say? [12] A. As I said to you before, he said [13] that everything is in my head. [14] Q. Any other doctors that you saw [15] before you went to Israel? [16] A. I believe those were the only [17] doctors that I saw. [18] As I said before, I was working [19] with doctors so I constantly told them [20] that I have pain. [21] Q. Do you remember the names of any [22] of those doctors? [23] A. They are neurologists at [24] Montefiore. I worked with a lot of them. [25] Q. Do you remember the names?

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[2] A. I can give you the names of [3] people that I worked with. [4] I don't remember which ones I [5] spoke with. [6] If I gave you the names, I would [7] be lying. [8] Q. What was the sum and substance [9] of those conversations? [10] A. That I may be injured. [11] Q. That you may be injured? [12] A. Yes, during the surgery. [13] Q. Did anyone, Dr. Goodrich or [14] anyone else, describe to you what kind of [15] injury they were referring to? [16] A. Injury to the nerve. Injury to [17] the ulnar nerve. [18] Q. Did anyone describe how that [19] injury took place? [20] A. No, the only thing they said [21] it's a possibility. [22] They did not discuss anything [23] further than that. [24] Q. Did they mention any other [25] possibilities?

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[2] A. I think they told me it [3] shouldn't happen. [4] Q. What shouldn't happen? [5] A. They told me this kind of [6] surgery should go smooth, with no [7] complications. [8] What happened in the surgery, we [9] don't know. [10] You have to talk with your [11] doctor. [12] Q. Other than the possibility of an [13] injury to the ulnar nerve during surgery, [14] did

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they mention any other possibilities [15] for what was going on?

[16] A. No.

[17] Q. Do you remember the names of any [18] of the doctors that you recall telling you [19] that there may have been an injury during [20] surgery?

[21] A. Dr. Goodrich.

[22] Q. Other than Dr. Goodrich?

[23] A. I believe, I'm not sure, but [24] could be Dr. Delos Reyes.

[25] Q. Who is Dr. Delos Reyes?

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[2] A. He is a neurologist at [3] Montefiore.

[4] Q. What did he tell you?

[5] A. He asked me the question that I [6] told you before, that I may have injury [7] from the surgery.

[8] Q. Did he tell you anything else?

[9] A. No, it was like through work we [10] were discussing, and he asked me what is [11] going on with your hand, you are holding [12] your hand.

[13] I said I have pain, and he said [14] what happened?

[15] And I asked him what do you [16] think can happen, and he told me from your [17] description, it could be that you had [18] injury to the nerve.

[19] Q. Any other doctors that you can [20] recall telling you that?

[21] A. Up to the -

[22] Q. Up to the vacation?

[23] A. I'm sorry, Dr. Delos Reyes, I do [24] not recall if he told me before or after I [25] went on vacation.

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[2] You asked me what the doctor [3] told me, and I do not recall.

[4] Q. That's okay.

[5] A. The only times that I said that [6] I saw Dr. Goodrich and he told me it's a [7] possibility, I do not know what happened, [8] and this is why I would like you to go [9] back to Dr. Strauch and discuss the issue [10] with him.

[11] And Dr. Strauch refused to talk [12] to me and told me everything is in my [13] head.

[14] Q. Have you told me about every [15] doctor that you have spoken to or seen [16] before you went to Israel on vacation?

[17] A. Yes.

[18] Q. Where did you stay when you went [19] to Israel?

[20] A. With my mother.

[21] Q. Before you went to Israel, did [22] you have an idea in your head what doctor [23] or hospital you would go to?

[24] A. No.

[25] Q. What happened when you got to

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[2] Israel?

[3] A. I started an investigation who I [4] should see.

[5] Q. How did you conduct this [6] investigation?

[7] A. Asking people to give me some [8] advice about doctors who specialized in [9] hand and orthopedics.

[10] Q. Who did you speak to?

[11] A. My family.

[12] Q. What conclusion did you come to?

[13] A. I was being told to go to Tel [14] Hashomer Hospital.

[15] Q. Where is that located?

[16] A. Tel Aviv.

[17] Q. And was it suggested that you [18] see

a particular doctor there?

[19] A. Yes, a neurologist.

[20] Q. Who was that?

[21] A. Dr. Sadeh.

[22] Q. Did you see Dr. Sadeh?

[23] A. Yes, I saw him.

[24] Q. How many times did you see him?

[25] A. Once.

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[2] Q. Tell me happened during this [3] visit with Dr. Sadeh?

[4] A. I described to him the [5] situation.

[6] Q. What did you describe to him?

[7] A. That I had surgery a year ago, [8] and since surgery, I'm experiencing pain [9] in my elbow and loss of sensation in [10] fingers 4 and 5, difficulty to operate [11] with my hand, and every once in a while my [12] elbow will result in shooting pains to [13] fingers 4 and 5, like a shock through [14] fingers 4 and 5.

[15] Q. Was the shooting pain to fingers [16] 4 and 5, did that occur only when your [17] elbow was touched?

[18] A. That increased when the elbow [19] was touched. I got pain constantly in my [20] elbow.

[21] Q. Was there shooting pain [22] constantly in your elbow, or did it stay [23] in your elbow unless it was touched?

[24] A. No, the pain stayed in my [25] elbow.

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[2] Every wrong movement with my [3] elbow, or any touching of my elbow, will [4] result in this kind of shooting pain.

[5] Q. Had that been the case since the [6] surgery?

[7] A. No, I said immediately after the [8] surgery, the pain goes from my elbow to [9] the fingers.

[10] The pain, I said things got a [11] little bit, some of the things got faded.

[12] Some of the things didn't get [13] faded, such as sensation loss and pain in [14] my elbow.

[15] Pain in my elbow got increased [16] with a very light touch.

[17] Even putting my hand on the [18] table, it was impossible for me to do.

[19] Q. When did that happen?

[20] A. What do you mean?

[21] Q. In other words, if I understood [22] you correctly, there came a point in time [23] when any touch or movement of your elbow [24] caused a shooting pain?

[25] A. The shooting pain from the

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[2] minute I wake up from surgery.

[3] Nobody could touch my elbow [4] because I had a cast.

[5] As the cast was being taken off, [6] you couldn't touch my elbow.

[7] Q. And it stayed that way?

[8] A. Yes.

[9] Q. Did the pain you experienced on [10] touching or moving your elbow, did that [11] increase as time went by?

[12] A. No, it was the same all of the [13] time.

[14] Q. What else did you tell [15] Dr. Sadeh?

[16] A. That's the only thing I told [17] him.

[18] Q. Did Dr. Sadeh do an examination?

[19] A. He did an EMG.

[20] Q. Did he do the EMG or somebody [21] else?

[22] A. No, he specializes in EMG.

[23] Q. And did he discuss the results [24] of EMG with you?

[25] A. Yes.

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[2] Q. What did he tell you?

[3] A. Injury to the ulnar nerve, the [4] area of the elbow, which resulted from the [5] surgery in his opinion.

[6] Q. Pardon me?

[7] A. In his opinion, from the best of [8] my description of symptoms, and what I had [9] before and what I had after surgery.

[10] Q. Other than what you told me here [11] today, did you tell Dr. Sadeh anything [12] else?

[13] A. Just what I told you.

[14] Q. Did he do a bilateral EMG or one [15] side?

[16] A. Bilateral.

[17] Q. Did he make any findings on the [18] other side?

[19] A. Carpal tunnel syndrome and ulnar [20] nerve entrapment.

[21] Q. On the right-hand side?

[22] A. Yes; as I said to you earlier, [23] also in March of 1991 I had the same, I [24] had bilateral carpal tunnel syndrome and [25] ulnar nerve entrapment.

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[2] Q. That was Dr. Burke's EMG?

[3] A. Yes.

[4] Q. Other than Dr. Burke's EMGs, did [5] any doctor examine or treat the right side [6] after March of '91?

[7] A. After March of '91?

[8] Q. Yes.

[9] A. For what period of time, up to [10] this moment?

[11] Q. Up until the time you saw [12] Dr. Sadeh?

[13] A. No, I did not have any problems [14] with my right hand.

[15] Q. From March of '91, up until your [16] vacation in Israel, did you have any pain, [17] numbness, tingling, any problems [18] whatsoever on the right?

[19] A. No.

[20] Q. Did Dr. Sadeh tell you what [21] caused the problem on the right-hand side?

[22] A. I did not ask because I was not [23] concerned about my right hand.

[24] We were more concerned about my [25] left hand.

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[2] Q. Did he say anything else about [3] your left hand?

[4] A. Yes, he told me that I have [5] injury to the nerve, and I should take [6] care of it.

[7] Q. How did he recommend taking care [8] of it?

[9] A. To go back to my doctor to show [10] him the results.

[11] Q. Back to Dr. Strauch?

[12] A. Yes.

[13] Q. Did you see any other doctors in [14] Israel?

[15] A. No, this time I did not.

[16] Q. As of the time Dr. Sadeh did the [17] EMG, what physical symptoms did you have [18] on the left?

[19] A. The same symptoms that I was [20] describing to you, all of the time up to [21] this moment.

[22] Q. And did you have any problems on [23] the right?

[24] A. No.

[25] Q. How long were you in Israel?

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[2] A. I said five weeks.
 [3] Approximately five weeks.
 [4] Q. Did you talk to any other [5] doctors in Israel while you were there, [6] other than Dr. Sedeh?
 [7] A. No, I was recommended to go to [8] Dr. Sedeh, and this is what I did.
 [9] Q. Who is the next doctor that you [10] saw?
 [11] A. Dr. Strauch.
 [12] Q. When did you see Dr. Strauch?
 [13] A. I believe it was January 15th, [14] around January 15th of '93.
 [15] Q. And did you go by yourself or [16] with somebody?
 [17] A. By myself.
 [18] Q. And what happened during this [19] visit?
 [20] A. I told him about the results of [21] the EMG in Israel, and he denied it, he [22] refused to accept it.
 [23] Q. When you say he denied, what do [24] you mean he denied?
 [25] A. He said he is not going to

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[2] consider this EMG.
 [3] Q. Did he say why not?
 [4] A. He said because it was being [5] done on different equipment than in [6] America.
 [7] Q. Did he say anything else?
 [8] A. He told me that he would like me [9] to go to his friend Dr. Burke for a second [10] evaluation.
 [11] Q. For another EMG?
 [12] A. Yes.
 [13] Q. Did he say anything else?
 [14] A. Yes, he told me that until I got [15] the EMG, he is not going to see me.
 [16] Q. Until the EMG is done?
 [17] A. He told me he is not going to [18] see me before I do the EMG with [19] Dr. Burke.
 [20] Q. And any other discussion between [21] you and Dr. Strauch on January 15, '93 [22] other than what you just told me?
 [23] A. Yes, I asked him who is going to [24] pay for this EMG.
 [25] Q. What did Strauch say?

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[2] A. That's your problem.
 [3] He also told me that he would [4] like me - he gave me his EMG results from [5] March of 1991, and he wanted me to take [6] these results for comparison in Israel [7] with the EMG that was done in Israel.
 [8] Q. To Dr. Burke?
 [9] A. No, take Dr. Burke's EMG of 1991 [10] next time I go to Israel, to take his [11] results to compare it with the results I [12] got from Israel, to the doctors in Israel [13] to do the evaluation of the two EMGs.
 [14] I said to him, if you are not [15] going to accept the EMG from Israel for [16] comparison, why are the doctors from [17] Israel going to accept and compare with [18] you?
 [19] Q. What did he say?
 [20] A. He did not respond.
 [21] So I said to him, why should I [22] go for another EMG if you say you won't [23] compare the two.
 [24] Q. What did he say?
 [25] A. I would like you to go to Dr.

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[2] Burke.
 [3] And I said to him I will do it, [4] I would like to do it, but there is no [5] need to go through all that if you are [6] admitting that these two

EMGs can be [7] compared.
 [8] And this is when he told me he [9] is not going to see me again until I will [10] have the EMG done.
 [11] Q. And did you go to Dr. Burke for [12] the EMG?
 [13] A. No, I did not.
 [14] Q. Who is the next doctor you saw?
 [15] A. I think at that time I went and [16] saw Dr. Spinner. That was in February.
 [17] Q. What happened during your visit [18] with Dr. Spinner?
 [19] A. I described everything to him, [20] and after evaluation, examination, he told [21] me that I have to go for another surgery.
 [22] I need to have a transposition [23] done.
 [24] I looked at him and I said, why?
 [25] He said because it was never

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[2] done.
 [3] And after that, he told me - [4] after that I told him, I said to him that [5] you have to do an evaluation of my hand.
 [6] And he found that my left hand, [7] I lost a lot of muscles in my left hand [8] due to the ulnar nerve injury.
 [9] And he said he would rather not [10] deal with this case because he has seen [11] problems in the future.
 [12] Q. Dr. Spinner said what?
 [13] A. He would rather not proceed with [14] this issue.
 [15] Q. Dr. Spinner didn't want to do [16] the surgery?
 [17] A. No, he did not.
 [18] Q. Why not?
 [19] A. Because he believed that some [20] little action will be taken, and he would [21] be involved in this issue.
 [22] Q. In other words, Dr. Spinner was [23] under the impression that you would sue [24] somebody?
 [25] A. No, he was under the impression

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[2] that somebody did something wrong to me.
 [3] Q. Did you discuss with Dr. Spinner [4] bringing a lawsuit?
 [5] A. I was not thinking about that at [6] all.
 [7] Q. Did anything else happen during [8] Dr. Spinner's visit?
 [9] A. No, he just gave me a letter.
 [10] Q. What letter did he give you?
 [11] A. Summarizing our, his examination [12] and his prescription, what I should do in [13] the future.
 [14] Q. What did he prescribe in the [15] future?
 [16] A. Surgery.
 [17] Q. Anything else?
 [18] A. He told me if I have a lot of [19] problems, I should have a special cast for [20] my hand.
 [21] Q. Did he describe what kind of [22] special cast that would be?
 [23] A. Yes.
 [24] Q. What did he say?
 [25] A. A plastic cast that can be

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[2] removed.
 [3] Q. Any other discussions with [4] Dr. Spinner during that visit?
 [5] A. No.
 [6] (Short recess taken).
 [7] Q. Who is the next doctor you saw?
 [8] A. I do not know if I went back to [9]

Strauch or not, but I think I saw [10] Strauch.
 [11] I do not recall if I did or [12] not.
 [13] I know that in May of 1993 I saw [14] Dr. Russo.
 [15] Q. Who is Dr. Russo?
 [16] A. He is a hand specialist.
 [17] Q. Where is he located?
 [18] A. In Jerusalem.
 [19] Q. How did you come to see [20] Dr. Russo?
 [21] A. Through a friend.
 [22] Q. And what did Dr. Russo [23] recommend?
 [24] A. Surgery.
 [25] Q. How many times did you see

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[2] Dr. Russo?
 [3] A. In total, up to this moment?
 [4] Q. Yes.
 [5] A. I saw him more than five times.
 [6] Q. The first time you saw him, did [7] you give him a history?
 [8] A. Yes.
 [9] Q. What did you tell him?
 [10] A. I told him everything that I [11] told you up to this moment.
 [12] I gave him the two EMG reports, [13] the one from March of 1991, and the one [14] from December of 1992.
 [15] Q. The '91 was by Dr. Burke?
 [16] A. Yes, and the 1992 from [17] Dr. Sedeh.
 [18] I gave him, I gave him [19] Dr. Strauch's surgical report.
 [20] I believe this is what I recall [21] the main papers I gave him.
 [22] I described to him everything. [23] And he did a physical examination.
 [24] Q. How did he do a physical [25] examination?

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[2] A. He tested - he did strength, [3] sensation, looking for the nerve, where [4] the nerve has been located.
 [5] He is a doctor, I don't know. [6] He touches my hand, I don't know what he [7] does.
 [8] Q. How did he do the strength test?
 [9] A. With the balloon.
 [10] Q. What did he do -
 [11] MR. DINHOFFER: Indicating a [12] squeezing motion in his hand.
 [13] A. Squeezing the balloon, and he [14] has a meter.
 [15] Q. How did he test for sensation?
 [16] A. With a needle.
 [17] Q. Needle?
 [18] A. Needle and light touch.
 [19] Q. What else did he do?
 [20] A. He had to feel to find out how [21] sensitive is the area.
 [22] He touched it to see what I [23] have.
 [24] I described to him what problems [25] I'm getting when he is touching my elbow.

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[2] Q. What problems were you having [3] when was touching your elbow?
 [4] A. Pain goes to my fingers 4 and [5] 5.
 [6] Q. Did he do anything else during [7] the first visit?
 [8] A. He was trying to find out if the [9] nerve had been transposed.
 [10] Q. If the nerve had been [11] transposed?
 [12] A. If Dr. Strauch performed the [13] transposition.
 [14] Q. Did he do anything else by way [15] of examination?

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[16] A. These are the main things that I [17] recall.

[18] Q. Were there any discussions [19] between yourself and Dr. Russo?

[20] A. Yes.

[21] Q. What was said?

[22] A. He told me that I shouldn't have [23] the ulnar nerve entrapment.

[24] Q. Should not have?

[25] A. Shouldn't have this kind of

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[2] surgery.

[3] Q. What else did he say?

[4] A. He said to me that if there was [5] a reason for surgery in the elbow and the [6] wrist, that this should be in two [7] different times.

[8] And due to the fact that I was [9] complaining about my wrist, the wrist [10] surgery should take place first.

[11] Q. Did Dr. Russo say that you [12] should not have had the surgery or you [13] should not have the surgery?

[14] A. No, no, no, he told me that the [15] surgery, if I did not have pain in my [16] elbow, I shouldn't have the surgery in my [17] elbow.

[18] But if the doctor, if I had any [19] symptoms, which I did not have any [20] symptoms for ulnar nerve release, that [21] median nerve release, I should have first [22] the median nerve release, and if it still [23] did not improve, you do the second part, [24] which you go to the ulnar nerve to the [25] elbow.

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[2] That is what he said.

[3] Q. Did he say anything else?

[4] A. He said usually - yes, he said [5] usually you do not do this kind of surgery [6] in one setting because of the swelling [7] problem.

[8] One of the problems was you have [9] swelling from the wrist and swelling from [10] the elbow, and this can cause more [11] trouble.

[12] Q. Did he say that the swelling had [13] caused any problem?

[14] A. No, he did not say that.

[15] Q. What else did he say?

[16] A. That's it. I do not remember. [17] I do not recall if he said it or [18] Dr. Goodrich.

[19] I'm confused between the two. I [20] have too much on my head.

[21] The first part, about not having [22] the two surgeries at one time, Dr. Russo [23] said it. That's clear in my mind.

[24] Q. Was there any further discussion [25] with Dr. Russo during this first visit?

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[2] A. He told me also that the ulnar [3] nerve had never been transposed, and it [4] was located in the same location that I [5] was being born.

[6] Q. That the ulnar nerve had not [7] been transposed?

[8] A. No.

[9] Q. Did he tell you that you had any [10] problems with your elbow?

[11] A. He told me that I have a lot of [12] problems.

[13] Q. With your elbow?

[14] A. Yes.

[15] Q. What problems did you have with [16] your elbow according to Dr. Russo?

[17] A. Can you repeat, what problems I [18] have?

[19] Q. What problems did you have with [20] your elbow according to Dr. Russo?

[21] A. He just confirm everything that [22] I said, which is true.

[23] Q. Did Dr. Russo describe for you a [24] congenital problem with your elbow?

[25] A. I don't understand the question.

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[2] Q. What did Dr. Russo tell you was [3] the condition of your elbow and the nerve [4] before Dr. Strauch's surgery?

[5] A. He doesn't know because he never [6] saw me before Dr. Strauch.

[7] Q. What did he tell you was the [8] condition of your elbow and nerve after [9] the surgery?

[10] A. Was being injured.

[11] Q. In what way was it injured?

[12] A. He told me that the doctor may [13] have cut the nerve during the surgery.

[14] Q. Did Dr. Russo tell you that [15] Dr. Strauch had cut the nerve or may have [16] cut the nerve?

[17] A. He told me that he cannot give [18] me any information about my hand before he [19] would open and look.

[20] He said to me, "There is a [21] possibility that the nerve was injured [22] during the surgery. I cannot confirm it [23] before I open and look at what is going on [24] inside."

[25] Q. Any other discussion during this

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[2] first visit with Dr. Russo?

[3] A. No, he told me to think about [4] surgery.

[5] Q. Who is the next doctor you saw?

[6] A. I saw again Dr. Strauch.

[7] Q. When did you see Dr. Strauch?

[8] A. I believe October of 1993.

[9] Q. What did you say to Dr. Strauch [10] and what did Dr. Strauch say to you?

[11] A. I complained about my right hand [12] at this time to Dr. Strauch.

[13] Q. What complaint did you have [14] about your right hand?

[15] A. My three fingers. I told him I [16] had numbness in 1, 2 and 3 fingers.

[17] Q. Anything else?

[18] A. And at the same time I also [19] discussed my left elbow and my left wrist [20] and the sensation problem.

[21] Q. What sensation problem did you [22] have?

[23] A. I didn't have feeling in my [24] fingers 4 and 5.

[25] Q. On the left?

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[2] A. Yes.

[3] Q. How long had you been having [4] numbness on fingers 1, 2, 3 on the right [5] hand?

[6] A. Numbness?

[7] Q. Yes.

[8] A. I did not hear the full [9] question.

[10] Q. You mentioned that you [11] complained of numbness on fingers 1, 2 and [12] 3 on the right.

[13] My question is how long did you [14] have that?

[15] A. It started in May when I was [16] operating equipment, and I think holding a [17] phone for a long period of time.

[18] Q. That would be May of '93?

[19] A. Yes.

[20] Q. How long would you be operating [21] equipment or holding the phone before that

[22] would happen?

[23] A. An hour; an hour or forty-five [24] minutes, I cannot tell you approximately.

[25] Q. Did you notice it during any

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[2] other occasions other than when you were [3] operating equipment or holding a [4] telephone?

[5] A. No.

[6] Q. Did you have any pain on the [7] right-hand side?

[8] A. No; only the sensation of [9] numbness.

[10] Q. And tingling?

[11] A. No.

[12] Q. What did Dr. Strauch say about [13] the right-hand side?

[14] A. He said we know that you have [15] carpal tunnel syndrome, and now you start [16] to develop the symptoms which you didn't [17] have before, and you may consider having [18] surgery on your right hand.

[19] Q. Did he say anything else?

[20] A. He said to me that you have a [21] friend from Israel coming to visit, and if [22] I don't mind if I can stay for him to [23] evaluate me.

[24] Q. Was it your friend from Israel [25] or Dr. Strauch's friend?

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[2] A. Dr. Strauch's friend.

[3] Q. Who is that?

[4] A. Dr. Joel Engle.

[5] Q. And did you stay to see [6] Dr. Engle?

[7] A. Yes, I did.

[8] Q. That was at Dr. Strauch's [9] office?

[10] A. Yes.

[11] Q. As far as you know, who is [12] Dr. Engle?

[13] A. He is a doctor from Tel Hashomer [14] Hospital.

[15] Q. And did Dr. Engle do an [16] examination?

[17] A. Yes, he did.

[18] Q. What did he do?

[19] A. He tried to point out to [20] Dr. Strauch that I have, that the finger 4 [21] and 5 is dry.

[22] Q. Is what?

[23] A. It's dry. The skin is very [24] dry.

[25] And he tried to get his

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[2] attention that I have some injury to the [3] ulnar nerve, and Dr. Strauch constantly [4] tried to change his direction of thought [5] by discussing about other issues such as [6] that he is doing sensation through [7] touching my nose and my hand, because I do [8] not have sensation in my hand.

[9] That looked to me a little [10] bit - I didn't understand why he does [11] it.

[12] When I tried to talk with [13] Dr. Engle after Dr. Strauch left the room, [14] he told me that he cannot talk with me [15] because he is not my primary physician and [16] he cannot tell me anything.

[17] Q. Up until the time you met [18] Dr. Engle, had you noticed any dry skin?

[19] A. But I thought it's normal.

[20] Q. When did you start seeing dry [21] skin?

[22] A. Seeing?

[23] Q. Yes.

[24] A. I constantly used to, because of [25] that I used to put cream on my hand. But

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[2] I thought maybe because the soap I'm us-

ing [3] or something like that.

[4] I did not know. But he realized [5] it's different between fingers 1, 2 and 3 [6] to fingers 4 and 5.

[7] Q. When did you start seeing the [8] dry skin?

[9] A. I said I was not paying [10] attention to that.

[11] I was having more paying [12] attention to my -

[13] Q. I understand that. I'm asking [14] if you have any recollection -

[15] A. I did not think about that [16] because I didn't know that this can cause [17] the problem that I had.

[18] Q. Is it fair to say that you don't [19] remember when the dry skin appeared, is [20] that fair?

[21] A. Yes, that's fair to say that.

[22] Put it this way, sorry, I never [23] had dry skin before my surgery.

[24] This, I know.

[25] Q. Did you use anything other than

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[2] an over-the-counter cream for the skin?

[3] A. No, I put only hand cream and [4] lotion, stuff like that.

[5] Q. Any other conversations with [6] Dr. Engle?

[7] A. No.

[8] Q. Any other conversations with [9] Dr. Strauch during this visit?

[10] A. He left the room.

[11] Q. Did you ever see him again?

[12] A. After October?

[13] Q. After the visit with Dr. Engle [14] and Dr. Strauch?

[15] A. No, this is when I realized that [16] I have a big problem and Dr. Russo is [17] correct.

[18] Q. Did you ever see Dr. Engle [19] again?

[20] A. I did not see him here.

[21] Q. Anywhere in the world?

[22] A. I saw him in Israel.

[23] Q. After this visit with [24] Dr. Strauch and Dr. Engle, who is the next [25] doctor you saw?

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[2] A. I went back to Dr. Russo.

[3] Q. Russo?

[4] A. Yes.

[5] Just to clarify, Dr. Sedeh, I [6] saw him in April of 1993, I believe, and [7] he told me that I have atrophy, I'm [8] developing atrophy to the left hand, to [9] the ulnar nerve.

[10] He told me that I'm developing [11] ulnar nerve atrophy.

[12] Q. Atrophy?

[13] A. Atrophy. You people have the [14] records of that.

[15] Q. This was in April of 1993?

[16] A. I believe so.

[17] Q. Did he recommend any treatment?

[18] A. He told me that I have to see a [19] surgeon.

[20] That is why in May I saw [21] Dr. Russo.

[22] Q. When did you see Dr. Russo then?

[23] MR. DINHOFFER: He was backing up [24] a little, filling in the blanks.

[25] Q. You saw Dr. Sedeh in April of

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[2] '93, and saw Drs. Strauch and Engle in [3] October of '93?

[4] A. No, I saw Dr. Russo in May of [5] 1993.

[6] Q. Okay. What did Dr. Russo say in [7] May of '93?

[8] A. I told you. You have all of the [9] information already.

[10] MR. DINHOFFER: He went through [11] that, that was when he first saw Russo.

[12] Q. That was your first visit with [13] Russo?

[14] A. Yes.

[15] Q. That was the vacation trip?

[16] A. No, I went for one week only to [17] Dr. Russo.

[18] MR. DINHOFFER: The vacation trip [19] was the first time he saw Sadeh.

[20] MR. BURFORD: Okay, we did that [21] to May of '93 Russo?

[22] A. I want you to have it right.

[23] Q. Okay.

[24] MR. DINHOFFER: It's a long time.

[25] Q. So you saw Dr. Russo for the

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[2] first time in May of '93.

[3] Did you see any doctors between [4] May of '93 and October of '93 when you saw [5] Drs. Strauch and Engle?

[6] A. I saw at the Health Service [7] because of my back injury, the injury that [8] I described before.

[9] Q. And that is at Einstein?

[10] A. Yes, at Einstein.

[11] MR. BURFORD: Off the record.

[12] (Discussion off the record.)

[13] Q. Did you talk to the Health [14] Service about the problem with your arm?

[15] A. About my elbow?

[16] Q. About your elbow, your wrist, [17] either side, left or right?

[18] A. They saw my wrist. I did not [19] discuss with them the elbow.

[20] I discussed my left hand and my [21] right hand and my back.

[22] The major thing they were [23] discussing was really my back.

[24] Only when I was being sent in [25] July to Dr. Popsco, she gave me therapy

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[2] for my hand and back at the same time, [3] which I followed up on that.

[4] Q. Did anyone diagnose the back [5] injury, tell you what was wrong with your [6] back?

[7] A. I have a herniated disk.

[8] Q. A herniated disk?

[9] A. Yes.

[10] Q. Do you know which disk is [11] herniated?

[12] A. Between 4 and - L 5 - below [13] the lower one; I don't know.

[14] MR. DINHOFFER: It's a lumbar [15] disk.

[16] Q. What symptoms do you have in [17] your back?

[18] A. Pain and radiating pain to my [19] leg.

[20] MR. DINHOFFER: Again, I would [21] note that is not an issue in this case.

[22] Q. Has the pain in your back, [23] either the pain or the radiating pain, [24] changed at all since the day of the [25] injury?

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[2] A. I have it most of the time.

[3] Q. Is there any activity that seems [4] to make it better or worse?

[5] A. Walking makes it worse.

[6] What I'm doing today, sitting [7] for a long period of time makes it worse.

[8] Q. Anything else?

[9] A. If I take a bus or something [10] jumps, it makes it worse.

[11] Q. Bus rides?

[12] A. Yes.

[13] Q. Anything else?

[14] A. I do not do anything since [15] August of 1993 that really can aggravate [16] myself, so I can't tell you what is [17] happening.

[18] I'm telling you the basic things [19] I do daily can cause it, but I cannot give [20] you -

[21] Q. When you say you don't do [22] anything since August of 1993 that can [23] aggravate it, what activities do you stay [24] away from because of your back?

[25] A. Sitting for a long time.

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[2] Standing for a long time. Walking.

[3] Q. How long are you able to stand [4] before you have a problem with your back?

[5] A. Maybe a short period. It's not [6] a long time.

[7] Some days it's worse, and some [8] days it's better. It depends what I'm [9] doing.

[10] Everything is dependable. It [11] depends on the day.

[12] Q. What is a good day, how long do [13] you think you can stand before you have a [14] problem with your back?

[15] A. In a long day?

[16] Q. No, I mean you said you have [17] good days and bad days. What I'm [18] asking -

[19] MR. DINHOFFER: I will place an [20] objection on the record.

[21] This has no relevance to [22] anything at issue here.

[23] The back is not at issue here.

[24] I'm going to keep a standing [25] objection to all of these questions with

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[2] regard to the back, because this is far [3] off the track.

[4] We are dealing with something [5] that is not being claimed.

[6] Q. On a good day, how long are you [7] able to stand before you have a problem [8] with your back?

[9] A. I really don't know.

[10] Q. Pardon me?

[11] A. I don't know. It can be half an [12] hour or forty-five minutes. I do not [13] know.

[14] I do not clock myself.

[15] Q. What about a bad day?

[16] A. It's a very, very, very short [17] period of time.

[18] Q. Just a few minutes?

[19] A. On bad days, I have to lay down [20] most of the day.

[21] Q. On a good day, how far can you [22] walk without a problem?

[23] A. Put it this way, usually for the [24] last, since my back injury, I try to do [25] very short walking.

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[2] So I really cannot tell you.

[3] Q. How far is short for a walk?

[4] A. Two blocks to three blocks, four [5] blocks. I do not know.

[6] Q. And sitting, you know, what's [7] the range for a good day or a bad day [8] before you have a problem?

[9] A. Before I have a problem?

[10] Q. Before you have a problem with [11] your back, yes.

[12] A. Again it depends what day it [13] is. Bad days I lay in bed.

[14] Good days, how much half an [15] hour, twenty minutes, twenty-five [16] minutes.

[17] I really cannot give you exact [18] time.

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[19] Q. Are you having a problem with [20] your back today as you are sitting here?
 [21] A. I'm in discomfort. I took a lot [22] of medication to accommodate you for this [23] deposition.
 [24] Q. What kind of medication did you [25] take today?

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[2] A. Advil.
 [3] Q. Advil?
 [4] A. Yes.
 [5] Q. Anything else?
 [6] A. No.
 [7] Q. Your first visit with Dr. Russo [8] was in May of 1993.
 [9] Do you remember when your next [10] visit with Dr. Russo was?
 [11] A. No.
 [12] Q. Was there a second visit with [13] Dr. Russo?
 [14] A. Yes.
 [15] Q. What happened during the second [16] visit with Dr. Russo?
 [17] A. He told me that I have to go to [18] surgery.
 [19] Q. Did Dr. Russo do the surgery?
 [20] A. Yes.
 [21] Q. Did you see him a third time [22] before the operation?
 [23] A. Put it this way: I saw him on [24] and off between me going back to Israel [25] and coming back to the United States.

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[2] I had telephone conversations [3] with him, and so I really cannot tell you [4] if some conversations were done on the [5] phone or done in person.
 [6] So if I say second visit, third [7] visit, it is not going to be correct.
 [8] So, really I cannot tell you [9] anything.
 [10] Q. Why don't we do it this way.
 [11] Why don't you tell me about all [12] of the discussions that you had with [13] Dr. Russo before the surgery?
 [14] A. Before the surgery?
 [15] Q. Yes, in other words, discussions [16] in person or over the telephone, or [17] letters in the mail?
 [18] A. He just told me very clear that [19] he would like me to do the surgery because [20] I already lost a lot of time, and I should [21] consider doing the surgery as soon as [22] possible.
 [23] Q. Did he tell you anything else [24] about why you needed the surgery, what the [25] surgery was going to be or what you could

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[2] expect?
 [3] A. He told me that from the EMG [4] report, it's clear to him that I have [5] injury to the nerve.
 [6] Q. And is that the ulnar nerve?
 [7] A. Yes.
 [8] Q. Now, when you say the EMG [9] report, is he referring to a specific [10] report?
 [11] A. The one after surgery. That is [12] the one that is from Dr. Sadeh, it's [13] Dr. Sadeh's report.
 [14] Q. Dr. Sadeh's report?
 [15] A. Yes, he said by comparing the [16] two EMG reports from Dr. Burke in March of [17] 1991, and the one done by Dr. Sadeh in [18] December of 1992, it's clear to him that [19] it is injury to the ulnar nerve in the [20] area of the elbow.
 [21] Q. What else did he tell you before [22]

the surgery?

[23] A. He told me that - that's the [24] only thing that I remember he told me.
 [25] Q. Did Dr. Russo tell you what the

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[2] benefits of the surgery were?
 [3] A. He told me that at this time he [4] cannot guarantee me anything because I [5] lost a lot of time.
 [6] He told me this kind of surgery [7] should happen immediately after surgery, [8] and should happen when you describe the [9] symptoms that you had after surgery.
 [10] Q. Were there specific symptoms he [11] was referring to?
 [12] A. To the pain, the burning [13] feeling, all of the symptoms that I told [14] him.
 [15] He said, "From the symptoms that [16] you told me, you should have gone for [17] surgery immediately after surgery."
 [18] Q. What else did he say about the [19] benefits of the operation?
 [20] A. He told me he cannot give me any [21] guarantee at this time, but it is a [22] possibility that I will have some [23] reduction in the pain, and I may be able [24] to operate better with my hand.
 [25] Q. Did he talk about any of the

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[2] risks of the operation?
 [3] A. He said the surgery can work and [4] it cannot work.
 [5] Q. Any other discussion with [6] Dr. Russo about risks?
 [7] A. No, he just told me what he told [8] me because of the time, the period of time [9] from the time of the injury up to now, he [10] cannot guarantee me that the surgery will [11] be successful.
 [12] Q. Did he describe any [13] alternatives?
 [14] A. At this time he said to me I do [15] not have any alternative.
 [16] I have injury, and I have to [17] take care of it.
 [18] Q. And then you had the surgery [19] done?
 [20] A. Yes.
 [21] Q. Where was the surgery done?
 [22] A. A hospital in Jerusalem called [23] Misgav Ladach.
 [24] Q. Who did the surgery?
 [25] A. Dr. Russo.

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[2] Q. Other than what you already told [3] me, did you have any discussion with [4] Dr. Russo or anyone else in the hospital [5] before the surgery was performed?
 [6] A. No, not that I recall.
 [7] Q. Did you sign a consent form [8] there?
 [9] A. I signed all of the proper [10] papers that they asked me to sign.
 [11] Q. Did you read the papers before [12] you signed them?
 [13] A. If I read them?
 [14] Q. Yes, did you read them before [15] you signed them?
 [16] A. Yes, before surgery I had a lot [17] of time and it was easy for me to read [18] because I understood the language.
 [19] Q. Do you have any difficulty [20] understanding the English language?
 [21] A. Yes.
 [22] Q. Have you understood everything [23] that I have asked you here today?
 [24] MR. DINHOFFER: How does he know?
 [25] A. Many times I asked you to repeat

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[2] the question.
 [3] Q. But after the question -
 [4] A. I believe that I understood.
 [5] Some of the time I was [6] questioning what you are asking, and I [7] tried to answer to the best of my [8] understanding of your questions.
 [9] That is the only thing I can [10] tell you.
 [11] Reading is a little more [12] difficult for me than listening.
 [13] Q. Before you signed the consent [14] form at Albert Einstein for surgery, did [15] you ask anyone help you interpret it -
 [16] A. I had the doctor.
 [17] Q. - to read the English?
 [18] A. No, I asked him what is that [19] saying, the consent saying.
 [20] Q. Did you tell him that you were [21] having trouble reading English?
 [22] A. No, I just wanted him to explain [23] to me. I didn't go into detail why.
 [24] He told me this is only giving [25] me authorization to do the surgery.

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[2] Based on that, I signed it.
 [3] Q. Did you tell anybody before you [4] had the surgery at Einstein, that you had [5] difficulty reading or understanding the [6] English language?
 [7] A. I think all of them knew that.
 [8] Q. Who did you think knew that?
 [9] A. Everybody that I dealt with, [10] because many times I used to ask what is [11] this and what do you mean by this word.
 [12] It was understood to me that [13] they understand that English is not my [14] first language and I need some explanation [15] on some issues.
 [16] Q. With respect to, for example, [17] the consent form or any of the other [18] paperwork you signed before going into [19] Einstein for surgery, or while in [20] Einstein, did you tell anybody that you [21] had trouble reading or understanding the [22] English language?
 [23] A. I do not really have trouble [24] reading.
 [25] I have trouble understanding

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[2] some of the words because the words is [3] really not in a way that each person can [4] understand what is being said there.
 [5] That is why I asked the doctor [6] if he can explain to me what this form [7] said.
 [8] And from my understanding, I [9] understood that I need to have an [10] explanation of the form.
 [11] He is telling me the form says [12] that you are giving me authorization to [13] perform the surgery.
 [14] I understood that everything [15] that is being said there is giving him the [16] authorization to do the surgery.
 [17] The only reason I start to read [18] the authorization in Israel, because in [19] Israel I'm going to doctors there, and I [20] wanted to just see what he is saying.
 [21] Then I saw what it says, exactly [22] what it says, giving the doctor [23] authorization to sign for the surgery.
 [24] So it really was not different [25] than what the doctor in America told me.

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[2] Q. Who is the first doctor you [3] spoke to after the surgery in Israel?

[4] A. I don't understand the [5] question.
 [6] Q. After your surgery in Israel, [7] which is the first doctor you spoke to [8] after you woke up?
 [9] A. I did not wake up. I was awake [10] all of the time.
 [11] Q. Do you remember anything that [12] happened during the surgery?
 [13] A. Yes.
 [14] Q. What do you remember about the [15] surgery?
 [16] A. He told me every stage what he [17] is finding.
 [18] Q. What do you remember him saying, [19] and that is Dr. Russo, right?
 [20] A. Yes.
 [21] Q. What do you remember him saying?
 [22] A. He doesn't believe that [23] Dr. Strauch did the surgery the way he did [24] it.
 [25] He told me that he never did a

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[2] transposition.
 [3] I believe that he opened, [4] injured you, and closed the area, and went [5] to the next stage of the surgery.
 [6] He found things there that he [7] really didn't understand like why they put [8] some material in my hand.
 [9] He doesn't understand what the [10] reason was for that.
 [11] Q. Material in your hand or at the [12] elbow?
 [13] A. At the elbow, I'm sorry.
 [14] Q. What material was this?
 [15] A. I don't - he told me that he [16] sees things that shouldn't be there.
 [17] I don't understand exactly what [18] he meant.
 [19] Q. Was Dr. Russo speaking to you in [20] English or in Hebrew?
 [21] A. We talked in Hebrew.
 [22] Q. What else do you remember during [23] the surgery?
 [24] A. He called another two doctors [25] when he explored the ulnar nerve, to

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[2] witness that the ulnar nerve was never [3] transposed.
 [4] Q. Do you know who those doctors [5] were?
 [6] A. The anesthesiologist that was on [7] standby, and his assistant.
 [8] Q. What else do you remember during [9] the surgery?
 [10] A. That he was trying to repair the [11] injury to the nerve.
 [12] He told me that he found that [13] the nerve has been injured and he is going [14] to repair it now.
 [15] Q. Anything else during the [16] surgery?
 [17] A. That's it. If I recall, that's [18] it. I don't recall anything else.
 [19] Q. Who did you see and follow-up [20] with after the surgery?
 [21] A. Dr. Russo.
 [22] Q. Did Dr. Russo tell you how you [23] were doing post-operatively?
 [24] A. He told me that I'm doing fine.
 [25] Q. What did you notice different

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[2] after the operation?
 [3] A. Difference?
 [4] Q. Yes. Was there a change in your [5] symptoms after the operation?
 [6] A. I believe that I have a little [7] bit more movement with my fingers.

[8] Q. Anything else you noticed [9] different?
 [10] A. I asked him about the sensation.
 [11] He told me that this may be [12] corrected in the future by itself, but [13] maybe not, because of the length of the [14] time between the first surgery and the [15] second surgery.
 [16] Q. Anything else?
 [17] A. He told me that - I do not [18] recall more than that.
 [19] He told me that he thinks that [20] I'm better now than after the first [21] surgery.
 [22] Q. When was the surgery performed?
 [23] A. April of 1994.
 [24] Q. How many times did you see [25] Dr. Russo after the operation?

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[2] A. I followed his instructions. I [3] cannot tell you exactly.
 [4] Q. Other than what you just told [5] me, did he give you any further [6] information about how you were doing [7] during any of your follow-up visits?
 [8] A. I really didn't have a major [9] change. The pain is still there.
 [10] Q. You cannot touch my elbow.
 [11] I will put it this way, I do not [12] have the same problem that I had before [13] the surgery.
 [14] There is some improvement, but [15] not to the extreme that I can say I'm free [16] of pain or free of any discomfort, or [17] anything like that.
 [18] And for that I was aware because [19] he told me that this may be happening [20] because of the length of time between the [21] two surgeries.
 [22] Q. Have you seen any other doctors [23] since your operation, other than [24] Dr. Russo?
 [25] A. I saw him in May.

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[2] No, I saw Dr. Russo all of the [3] time.
 [4] Q. He is the only doctor that you [5] saw -
 [6] A. For my left elbow?
 [7] Q. - for your left arm in general?
 [8] A. For my carpal tunnel syndrome, [9] I'm seeing Dr. Goldstein.
 [10] Q. Who is Dr. Goldstein?
 [11] A. Orthopedist.
 [12] Q. How often do you see [13] Dr. Goldstein?
 [14] A. Once in a few months.
 [15] Q. When was the last time you saw [16] Dr. Goldstein?
 [17] A. A few months ago.
 [18] Q. What did he tell you about how [19] you were doing?
 [20] A. He told me that I have carpal [21] tunnel syndrome in both hands, and I have [22] to go for surgery.
 [23] Q. What kind of surgery is he [24] talking about?
 [25] A. Carpal tunnel release.

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[2] Q. Is that on the right and the [3] left, or -
 [4] A. Both hands.
 [5] Q. Do you have surgery scheduled?
 [6] A. I'm not doing it.
 [7] Q. Pardon me?
 [8] A. I'm not doing it.
 [9] Q. Other than Dr. Goldstein, have [10] you seen anybody else since April of [11] '94?
 [12] A. I told you before, Dr. Cohen.
 [13] Q. Is Dr. Cohen prescribing any [14] treatment for your back?

[15] A. Yes, epidural block.
 [16] Q. And when did you get an epidural [17] block?
 [18] A. I did not - I got one in August [19] of last year, of '94, and I need to go for [20] another one.
 [21] Q. Does the epidural block help?
 [22] A. No, but it's the second time he [23] is going to do it, and that may make a [24] difference.
 [25] Q. Pardon me?

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[2] A. He said he is going to do the [3] second one, and what happens after that I [4] don't know.
 [5] Q. Did the first one help?
 [6] A. Minor.
 [7] Q. Any other doctors since April of [8] 1994 for any reason?
 [9] A. Since April of 1994?
 [10] Q. Yes, since April of 1994?
 [11] A. Not that I recall.
 [12] Q. Has Dr. Cohen or anyone else [13] told you that you are disabled as a result [14] of your back?
 [15] A. Dr. Cohen only is concerned [16] about my back.
 [17] He is not concerned about my [18] hand, because the reason I went to him is [19] for my back.
 [20] So, he just treating my back.
 [21] Dr. Russo told me I'm disabled [22] because of my hand, and Dr. Cohen told me [23] that I have disability from my back.
 [24] So it's two different [25] disabilities.

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[2] Q. Has Dr. Cohen given you a [3] percentage of disability, or told you that [4] you are totally disabled because of your [5] back?
 [6] A. He has not given me a [7] percentage. I'm still seeing him [8] periodically.
 [9] Q. But Dr. Cohen told you, you are [10] disabled because of your back?
 [11] A. He did not say I'm handicapped, [12] he said, "At the present time you cannot [13] do a lot. It should be better."
 [14] Q. Has Dr. Cohen told you that you [15] are unable to work because of your back?
 [16] A. Yes, he told me that I cannot do [17] certain kind of work.
 [18] Q. What kind of work has he said [19] not to do?
 [20] A. Lifting heavy equipment, which I [21] cannot do also because of my hand, but he [22] said it about my back.
 [23] Q. How heavy? By cannot lift heavy [24] equipment, what is Dr. Cohen referring to?
 [25] A. I do not know what he is

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[2] referring to.
 [3] You have to ask him what he is [4] referring to; heavy equipment.
 [5] Q. How much are you able to lift?
 [6] A. I barely can because of my hand [7] situation, I cannot carry more than one [8] bag of groceries.
 [9] Q. How much are you able to lift [10] before your back causes you a problem?
 [11] A. With which hand?
 [12] Q. Let's do the right hand first?
 [13] A. As I said before, before my back [14] injury I was trying to operate and do my [15] work, and I did my work to the best of my [16] ability, and I tried to use my right hand [17] most of the time.
 [18] I carried all of the equipment [19] with my

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right-hand that I'm supposed to.

[20] Q. That is before you injured your [21] back?

[22] A. Yes, but I did not use my left [23] hand.

[24] Q. Since you injured your back, do [25] you notice that there is a certain amount

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[2] of work you are able to lift with your [3] right hand before your back gives you a [4] problem?

[5] A. As I said before, at the present [6] time I'm not working, and I do not have [7] any need to do heavy lifting, so I cannot [8] be specific on this issue.

[9] Q. You mentioned a bag of [10] groceries. [11] Can you carry a bag of groceries [12] with your right hand without your back [13] bothering you?

[14] A. As I said before, I buy minimum.

[15] Q. Minimum amount of weight?

[16] A. Yes.

[17] Q. What is the minimum, a couple of [18] pounds?

[19] A. Things that I need.

[20] Q. Are you able to lift anything [21] with your left hand?

[22] A. No. I try sometimes.

[23] Constantly, I'm trying to work [24] with my left hand because - but usually I [25] shift immediately to the right, not

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[2] immediately but to my right hand.

[3] Q. What sort of things do you carry [4] that you shift from your left hand to your [5] right hand?

[6] A. Put it this way, with my left [7] hand I cannot even pay a toll.

[8] Q. You can't pay a toll?

[9] A. I cannot pay a toll; when I go [10] to pay a toll, usually money falls from my [11] hand.

[12] I cannot feel the money in my [13] fingers.

[14] Q. Starting with your left shoulder [15] and sort of going down your arm, what I [16] would like you to do is tell me everything [17] that is wrong with that extremity.

[18] A. Again?

[19] Q. Starting on the left, what's [20] wrong with your arm, starting from your [21] shoulder down?

[22] A. The shoulder, I don't have any [23] problem.

[24] Q. What's next?

[25] A. The elbow.

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[2] Q. And what is presently wrong with [3] your elbow?

[4] A. Pain.

[5] Q. And where is the pain located?

[6] A. The same area where it was [7] located at the time after surgery, the [8] first one.

[9] Q. And that is the back part of [10] your elbow?

[11] A. Correct.

[12] Q. How often do you have that pain?

[13] A. I have it at the present time.

[14] Q. Does it come and go?

[15] A. If I will do, if somebody will [16] touch my elbow, I will have increased [17] pain.

[18] If I do any, if I try to do [19] anything with my hand, it increases.

[20] Q. If you don't touch your elbow [21] and you are not moving your hand, does [22] your elbow still hurt?

[23] A. I still have pain.

[24] Q. How would you describe the pain [25]

in your elbow when you are not touching

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[2] your elbow or moving it?

[3] A. Annoying.

[4] Q. And do you take any medication [5] for the annoying pain?

[6] A. Only over-the-counter.

[7] Q. What do you take?

[8] A. I'm taking Tylenol or Advil.

[9] Q. How many of those do you take?

[10] A. As needed.

[11] Q. How would you describe the pain [12] if you touch your elbow, or if you are [13] moving your arm?

[14] A. If you touch my elbow, I will [15] get a shock - shooting pain to my fingers [16] 4 and 5.

[17] Q. And do you take any medicine for [18] that?

[19] A. For what?

[20] Q. For the shooting pain to 4 [21] and 5?

[22] A. I do not know if there is [23] medication for that.

[24] Q. When you have the shooting pain [25] to fingers 4 and 5, how long does that

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[2] last?

[3] A. There is a pain that comes - [4] this pain is a result of a touch.

[5] Q. It comes and goes with the [6] touch?

[7] A. What happens, after this [8] happens, this fades away slowly, and I [9] will come back to like I had before this [10] kind of touch.

[11] Q. How long does it take for the [12] pain from the touch to fade out?

[13] A. Depends on what kind of touch I [14] had.

[15] Q. What is the range?

[16] A. Could be less than two minutes [17] or it can be more than two minutes.

[18] Again it depends.

[19] Q. What about any pain you might [20] have from moving your elbow?

[21] A. Most of the time I try not to [22] move -

[23] Q. When you do move it -

[24] A. Move it this way?

[25] Q. In any fashion, do you have pain

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[2] when you move your elbow?

[3] A. I have the regular pain that I [4] always have.

[5] Q. What other problems do you have [6] with your left arm, the whole length of [7] the spectrum, we did the shoulder and [8] elbow, what else do you have?

[9] A. Carpal tunnel syndrome again.

[10] Q. In your wrist?

[11] A. Yes.

[12] Q. What kind of problems does that [13] present for you?

[14] A. Sometimes, but not all of the [15] time, I get numbness in fingers 1, 2 [16] and 3.

[17] Fingers 4 and 5, I have less [18] sensation, and this resulted from the [19] ulnar nerve injury of 1991.

[20] And in general, I have to be [21] very cautious about my left hand.

[22] Q. You mentioned that you have [23] numbness in fingers 1, 2 and 3 sometimes.

[24] How often do you experience [25] that?

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[2] A. Not very often.

[3] Q. Is there a way of describing it?

[4] A. Numbness.

[5] Q. How often, frequency?

[6] A. However often I'm going without [7] a splint. As long as I go with the [8] splint, I'm okay.

[9] Q. When you use a splint, there is [10] no numbness?

[11] A. No.

[12] MR. DINHOFFER: In 1, 2 and 3?

[13] MR. BURFORD: Right.

[14] Q. If you don't use a splint, how [15] often do you experience the numbness?

[16] A. Depends what I do. If I do [17] something to aggravate it a couple of [18] times, I will get it again.

[19] If I do not aggravate it, I [20] won't get it.

[21] Q. On those occasions when you [22] aggravate the carpal tunnel, how long does [23] the numbness last?

[24] A. When I realize, I change [25] position, and takes a few minutes and it

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[2] goes away.

[3] Q. The numbness at 4 and 5, the [4] loss of sensation at 4 and 5, how often [5] does that happen?

[6] A. Permanently.

[7] Q. Permanently?

[8] A. Yes.

[9] Q. Are there days when it is better [10] than other days?

[11] A. No, it's permanently; the same [12] thing all of the time.

[13] Q. It doesn't change?

[14] A. No.

[15] Q. Okay, what other problems do you [16] have on the left?

[17] A. I cannot carry money, coins and [18] stuff like that.

[19] I do not really have feeling if [20] it is a quarter or something like that.

[21] And when I need to pay a fee on [22] the bus, I need to do it with my right [23] hand.

[24] When I want to use my left, I [25] cannot do it.

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[2] When I take a shower, I need to [3] be very careful not to scrub my elbow or [4] touch my elbow.

[5] If I take a trip or sit in a [6] bus, I have to sit with by left hand being [7] protected.

[8] If I take an elevator, I have to [9] look for the corner of the elevator that [10] nobody will touch my elbow.

[11] Really, all of my life has been [12] centered around how to protect myself from [13] injuring my elbow.

[14] Q. Any other problems on the left?

[15] A. No.

[16] Q. Now, do the same thing for me on [17] right.

[18] Starting from the shoulder down, [19] any problems?

[20] A. I have no problems up to the [21] wrist, from the shoulder up to the wrist, [22] I have no problem.

[23] Q. What's the problem with the [24] wrist?

[25] A. I have from time to time

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[2] numbness in fingers 1, 2 and 3.

[3] Q. How frequently does that happen?

[4] A. It happens when I do something [5] to aggravate the carpal tunnel.

[6] Q. What sort of things aggravate [7] the carpal tunnel?

[8] A. Typing. If I have to type, I [9] cannot type with my left hand any more.

[10] So, I work with my right hand.

[11] Q. What else aggravates the carpal [12] tunnel on the right?
 [13] A. Holding the phone.
 [14] Q. Holding the phone?
 [15] A. Right.
 [16] Q. Anything else?
 [17] A. Holding the phone and writing.
 [18] If I write, I get pain in my [19] wrist. That is what I recall.
 [20] Q. Who prescribed the splints that [21] you are wearing?
 [22] A. I believe Dr. Popsco.
 [23] Q. How would you describe the [24] splints that you are wearing today?
 [25] A. I cannot understand the

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[2] question.
 [3] Q. If you were going to describe [4] the splints that you are wearing today to [5] someone, how would you describe that?
 [6] MR. DINHOFFER: Does it's have a [7] trade name?
 [8] A. It's called a wrist splint. [9] That is what it's called.
 [10] Q. A wrist splint?
 [11] A. Yes.
 [12] Q. And they are made of a fabric [13] material?
 [14] A. Fabric, and metal in the front.
 [15] Q. Where is the metal on them?
 [16] MR. DINHOFFER: It's a rod.
 [17] Q. Along the palm side of your [18] forearm?
 [19] A. Yes, it's to prevent me from [20] doing the stuff I'm not to do.
 [21] Q. Other than what you have told me [22] so far, did you have any other [23] conversations or discussions with [24] Dr. Strauch at any time?
 [25] A. I told you everything to the

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[2] best of my recollection.
 [3] If any other conversation that [4] would happen, I do not recall at this [5] moment.
 [6] Q. Do you recall any conversations [7] with Dr. Stermann?
 [8] A. I don't know who he is.
 [9] Q. How about Dr. Irizarry?
 [10] A. The only doctor I know is [11] Dr. Strauch.
 [12] I told you before, the time [13] after surgery a lot of people came to the [14] room, I do not know their names.
 [15] Could be this is one of these [16] doctors that you mentioned before. I [17] cannot point out who is who.
 [18] Q. So I take it you have no [19] recollection if you are unable to ascribe [20] any conversations to them?
 [21] A. If you put them here in front of [22] me, no.
 [23] Q. Do you maintain any records of [24] your medical care?
 [25] A. What do you mean by that?

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[2] Q. In other words, do you have [3] copies of any of your medical records?
 [4] A. I have what I was given by the [5] doctors. That's the only thing I have.
 [6] Q. What do you have?
 [7] A. I have Dr. Strauch's letter to [8] the army.
 [9] I have Dr. Russo's letters. I [10] have letters from Dr. Sadeh.
 [11] I have the EMG from Dr. Burke.
 [12] I don't know what else I have.

[13] Q. How many letters do you have [14] from Dr. Strauch?
 [15] A. At least two.
 [16] Q. At least two?
 [17] A. Yes. At least two letters plus [18] the EMG report.
 [19] Q. That's the EMG from Dr. Burke?
 [20] A. Yes.
 [21] Q. Anything else in writing from [22] Dr. Strauch?
 [23] A. The letter that I can go back to [24] work after the disability.
 [25] I do not have the record. He

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[2] gave it to me and I gave it to my office.
 [3] Q. You gave it to your office?
 [4] A. He gave me the letter and I gave [5] it to my supervisor.
 [6] Q. How many letters do you have [7] from Dr. Russo?
 [8] A. I do not know. I have every [9] communication, not every communication, [10] but most of the communications.
 [11] Not all of them have been given [12] to me.
 [13] Q. Generally speaking, what's the [14] content of the letters from Dr. Russo?
 [15] A. Talking about my condition, [16] talking about what happened to me.
 [17] Q. What does he say about your [18] condition in these letters?
 [19] A. He said that I was returned to [20] work prematurely by Dr. Strauch.
 [21] Q. Anything else?
 [22] A. That I have - that the [23] transposition never occurred.
 [24] Q. Anything else?
 [25] A. That I had the surgery. That's

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[2] the basic things.
 [3] Q. What about the letters from [4] Dr. Sadeh, how many of those do you have?
 [5] A. I have two of them.
 [6] Q. And what is the content of those [7] letters?
 [8] A. One is an EMG report, and one is [9] a letter that I developed ulnar nerve [10] atrophy. Ulnar nerve something.
 [11] Q. What is the date of the ulnar [12] nerve atrophy letter?
 [13] A. April of 1994, I believe.
 [14] Q. Other than Dr. Burke's EMG, do [15] you have anything from Dr. Burke?
 [16] A. No, I saw him only once.
 [17] Q. Do you have any photographs or [18] negatives?
 [19] A. I have photographs.
 [20] Q. How many photographs do you [21] have?
 [22] A. Two.
 [23] Q. What are they of and who took [24] them?
 [25] A. Dr. Russo.

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[2] Q. And what are the photographs of?
 [3] A. Of my surgery. During the [4] procedure of my surgery in April of 1994.
 [5] Q. Do you have any other [6] photographs?
 [7] A. I gave it to - with me, no.
 [8] Q. I mean, have you ever had any [9] other photographs?
 [10] A. I had a photograph of my hand [11] after - when I got my hand, when my hand [12] was in a condition, I asked somebody to [13] take a photograph.

[14] Q. When was that picture taken?
 [15] A. Sometime, I do not recall the [16] dates.
 [17] Q. Who took that photo?
 [18] A. A colleague at work.
 [19] Q. I'm sorry?
 [20] A. A colleague at work.
 [21] Q. Any other photographs that [22] relate in any way to your left arm or your [23] right arm, hand, wrist, elbow, whatever?
 [24] A. That I have?
 [25] Q. That you have ever had?

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[2] A. I do not know if I still have [3] the negatives of the pictures, but I know [4] that I took a picture of my hand to show a [5] comparison of the swelling between the two [6] hands.
 [7] Q. When was that picture taken?
 [8] A. A few months after the surgery, [9] the first surgery.
 [10] Q. After Dr. Strauch's surgery?
 [11] A. Yes.
 [12] Q. Do you know if there are any [13] copies of those?
 [14] A. As I said before, I don't know [15] if I have the negatives or the pictures.
 [16] I know that the picture was [17] taken, but that's the only thing I can [18] tell you.
 [19] Q. Any other photographs that have [20] ever been taken as far as you know?
 [21] A. I really don't take too many [22] pictures of my hand because it's not a lot [23] to show there except what I thought would [24] show the swelling for the doctor, to show [25] him the differences.

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[2] And I do not recall if I [3] processed the film at all.
 [4] I know the picture was taken. I [5] will look for it.
 [6] Q. I don't know if I asked you this [7] or not, are you involved in any other [8] lawsuits?
 [9] A. No.
 [10] I'm sorry, I have my Worker's [11] Comp case.
 [12] MR. DINHOFFER: That is not a [13] lawsuit.
 [14] A. I do not know.
 [15] MR. DINHOFFER: It's a [16] Compensation claim.
 [17] Q. Other than that, are you [18] involved in any other litigation?
 [19] A. No.
 [20] Q. Did you tell anyone that you [21] wanted to sue St. Barnabas in New Jersey?
 [22] A. After my first injury.
 [23] Q. After the knife injury; is that [24] what you mean?
 [25] A. Yes, I felt that I was treated

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[2] not professionally, and I discussed the [3] issue with an attorney.
 [4] I dropped the case because I did [5] not want to pursue it.
 [6] Q. What did you think was wrong [7] with the team at St. Barnabas?
 [8] A. They did not examine me. They [9] thought I'm crazy, and treat me [10] incorrectly, that I had to go for surgery [11] after three weeks.
 [12] And if they really took care of [13] me, based on the condition that I came to [14] the hospital for, and did really a [15] physical examination, I should have had [16] surgery the same night and not three weeks [17] later.

BSA

GILADI v. STRAUCH June 22, 1995 RONI GILADI

XMAX(32)

[18] But, they sided with my ex-wife [19] and not with me.

[20] Q. Since the knife injury in [21] September of '87, have you had any other [22] injuries to either of your arms?

[23] A. No.

[24] Q. Was there a second incident with [25] your wife where your arm was injured, or

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[2] any part of your body was injured?

[3] A. I don't understand the [4] question.

[5] Q. In September of '87, in other [6] words, you were injured with a knife.

[7] Has there been any time since [8] then when you have had any kind of injury [9] whatsoever to either of your upper [10] extremities, either arm, hand, wrist, [11] elbow, anything?

[12] A. Injury?

[13] Q. Yes.

[14] A. No. When I was trying to lift [15] equipment, I had pain, but I do not know [16] if you call that injury.

[17] I had to my right hand; I had [18] one time some equipment roll on me and [19] hurt my right hand is the only thing.

[20] Q. When did that happen?

[21] A. I believe in 1992 or 1991.

[22] I cannot recall the date. [23] Either 1992 or 1991.

[24] Q. Where did that happen?

[25] A. At work.

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[2] Q. And what exactly happened?

[3] A. Somebody helping me with [4] equipment, and the unit of the equipment [5] was rolled and hit my right hand.

[6] Q. Did you have any treatment for [7] that?

[8] A. No.

[9] Q. Did you see any doctor for it?

[10] A. No.

[11] Q. Did you go to any doctor shortly [12] thereafter?

[13] A. No. I went to the Health [14] Service, but they told me there is nothing [15] there.

[16] Q. The Health Service told you [17] what?

[18] A. Not to be worried, nothing [19] happened.

[20] Q. Did you see a Dr. Ron Wexler, [21] W-e-x-l-e-r, when you were in Israel?

[22] A. What name?

[23] Q. Ronald Wexler?

[24] A. I don't recall.

[25] Q. Other than Dr. Russo, have any

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[2] other doctors you have spoken to been [3] critical of Dr. Strauch's surgery?

[4] A. His own friend, Dr. Goodrich.

[5] Q. What did Dr. Goodrich say?

[6] A. As I said to you before.

[7] Q. Anything that you haven't told [8] me?

[9] A. No, exactly what I told you [10] before, that I had been injured.

[11] Q. Do you have any present source [12] of income?

[13] A. At the present time?

[14] Q. Presently.

[15] A. I am receiving \$400 Worker's [16] Comp.

[17] Q. \$400 a week?

[18] A. Yes.

[19] Q. Anything else?

[20] A. No.

[21] Q. Were there any witnesses to the [22] injury with the knife, anyone else there [23]

other than you and your wife?

[24] A. No.

[25] Q. Was your wife present when the

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[2] injury took place?

[3] A. If what?

[4] Q. Was your wife present when the [5] injury with the knife took place?

[6] A. She did it.

[7] Q. Was anyone else there?

[8] A. No.

[9] Q. Nobody else was there?

[10] A. No.

[11] Q. Do you have any present plans to [12] go back to work?

[13] A. I would like to.

[14] Q. Is your job still open at [15] Einstein?

[16] A. At the present time, no.

[17] Q. Have you been terminated from [18] Einstein?

[19] A. Yes.

[20] Q. When were you terminated from [21] Einstein?

[22] A. I do not have a clear date.

[23] Q. Did you get a letter or [24] something in the mail from them?

[25] A. No, it's still in dispute.

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[2] Q. How were you first notified that [3] you were being terminated?

[4] A. Through a grievance hearing.

[5] Q. And what happened at the [6] grievance hearing?

[7] A. The union was fighting for my [8] position, and they said that I cannot [9] return to work because of my medical [10] condition.

[11] Q. And what was the result of the [12] grievance hearing?

[13] A. Now we are waiting for [14] arbitration.

[15] Q. Have you ever been seen by a [16] psychiatrist?

[17] A. No. Sorry, I had to go to a [18] custody evaluation.

[19] Q. When was this, as part of the [20] divorce?

[21] A. Yes.

[22] Q. And who was the psychiatrist [23] that you saw?

[24] A. Dr. Jeffrey.

[25] Q. J-e-f-f-r-e-y?

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[2] A. I think so.

[3] Q. And what is Dr. Jeffrey's first [4] name?

[5] A. I don't recall.

[6] Q. Do you know where he is located?

[7] A. In Livingston, New Jersey.

[8] Q. Did Dr. Jeffrey provide any kind [9] of a report?

[10] A. Yes.

[11] Q. What did Dr. Jeffrey say in his [12] report?

[13] A. That my ex-wife is a liar, she [14] is manipulative and vindictive, that she [15] doesn't care about the kids, and I'm a [16] very trustworthy person, and I show that [17] I'm a concerned father.

[18] And he gave me a very positive [19] report on my behalf.

[20] Q. And the court awarded custody to [21] your wife?

[22] A. The court gave her - gave us [23] joint custody.

[24] I was thinking about the kids [25] more than anything else, so she got

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[2] physical custody and we got joint legal [3]

custody.

[4] MR. DINHOFFER: I think they call [5] it residential custody here, not [6] physical.

[7] Q. What does Dr. Goodrich look [8] like?

[9] A. Very tall with a beard, wears a [10] suit all of the time except when I see him [11] in the operating room.

[12] Q. How about Dr. Delos Reyes?

[13] A. Same, but he is shorter than [14] Dr. Goodrich, but also dressed nice and [15] nice person.

[16] Q. Have you kept any calendars or [17] diaries of your medical care?

[18] A. What do you mean by that?

[19] Q. In other words, have you kept a [20] journal or log book where you write down [21] what happened here, what happened there, [22] what this one said and what that one said?

[23] A. Up until - only the important [24] issues that I want to remember, I keep for [25] myself.

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[2] Q. Where are these written down?

[3] A. Sometimes on word processor, and [4] sometimes on a piece of paper that I have [5] available to me.

[6] Q. Do you keep all of this in a [7] file of some description?

[8] A. Until things got stolen from me, [9] everything was in a place that I could [10] tell.

[11] Q. Do you still have any of this [12] material?

[13] A. I have a lot of stuff in boxes, [14] so I do not know exactly what I have and [15] what I do not have.

[16] Q. When last you saw it, how many [17] pieces of paper were there?

[18] A. I really do not know. I didn't [19] count.

[20] Q. Are you able to estimate at all?

[21] A. Everything was written so that I [22] can understand it, short notes, so it was [23] not a lot of paper.

[24] Q. Did you keep any other records [25] of your medical care or your condition, or

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[2] work, as time went by?

[3] A. When something becomes available [4] to me, some of them I keep and some of [5] them - I have a lot of records with me.

[6] I mean I have, but I do not [7] exactly know what I have and what I do not [8] have at the present time, at this moment.

[9] Q. What sort of records have you [10] kept over the years, putting aside whether [11] you still have it or not, what sort of [12] things have you kept?

[13] A. Some of my time sheets. Some [14] notes about my, this dispute with my [15] supervisor as a result of my hand [16] surgery.

[17] Q. Anything else?

[18] A. Sometimes the conversation that [19] I had with Dr. Strauch.

[20] Q. Some of what?

[21] A. Some of the conversations with [22] Dr. Strauch.

[23] Q. Anything else?

[24] A. Conversation with Dr. Engle.

[25] Q. At the grievance hearing, was

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[2] there a record kept?

[3] In other words, did they have [4] someone at the grievance hearing like this [5] court reporter taking notes?

[6] A. No.

[7] Q. What records were kept at the [8]

grievance hearing?

[9] A. The Personnel Department and the
[10] union delegate took notes like you are
[11] taking now.

[12] Q. Did you ever testify for the [13]
Worker's Comp case?

[14] A. I don't understand the [15] question.

[16] Q. Was there a proceeding or a time [17]
during your Worker's Comp case when you
[18] answered questions much like you are
doing [19] today?

[20] A. No.

[21] (Continued on the next page)

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[2] Q. Any other physical problems that [3]
you have as you sit here today that you [4]
haven't told me about so far.

[5] A. No.

[6] MR. BURFORD: Thanks a lot.

[7] MR. DINHOFFER: That's it.

[8] (Time noted: 4:45 p.m.)

[13] RONI GILADI

[15] Subscribed and sworn to before me [16]
this day of , 1995.

[18] .

[20] * * *

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[2] CERTIFICATION

[7] I, Deborah DeAngelis, a Shorthand [8] Re-
porter and a Notary Public, do hereby [9] cer-
tify that the foregoing witness, [10] RONI GI-
LADI, was duly sworn on the date [11] indi-
cated, and that the foregoing is a [12] true and
accurate transcription of my [13] steno-
graphic notes.

[14] I further certify that I am not [15] em-
ployed by nor related to any party to [16] this
action.

[21] DEBORAH DE ANGELIS

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[2] E X H I B I T S [3] DEFENDANTS' [4] EX-
HIBIT DESCRIPTION PAGE [5] 1 Document
entitled 81 [6] Patient Information. [7] 2 Docu-
ment entitled 90 [8] Photograph and/or [9]
Movie Consent Form. [10] 3 Document
headed 165 [11] Montefiore Medical [12] Cen-
ter, dated 10/11/91.

[15] * * *

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[2] LITIGATION SUPPORT INDEX

[5] DIRECTION TO WITNESS NOT TO AN-
SWER [6] Page Line Page Line

[7] (NONE)

[12] REQUEST FOR PRODUCTION OF DOC-
UMENTS [13] Page Line Page Line [14] 92 2

[19] INFORMATION TO BE FURNISHED [20]
Page Line Page Line

[21] (NONE)

Basic Systems Applications

GILADI v. STRAUCH

June 22, 1995

RONI GILADI

Concordance by Look-See(36)

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UNIQUE WORDS: 1,629
TOTAL OCCURRENCES:
10,318
NOISE WORDS: 385
TOTAL WORDS IN FILE:
39,921

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Basic Systems Applications

GILADI v. STRAUCH June 22, 1995

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Basic Systems Applications

GILADI v. STRAUCH

June 22, 1995

RONI GILADI

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